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09/211,803	12/15/1998	DAVID JAMES HETHERINGTON	AT9-98-160	9439

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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 08/26/2002

22

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 22

Application Number: 09/211,803

Filing Date: December 15, 1998

Appellant(s): David Hetherrington et al.

Brian P. Klawinski

For Appellant

Art Unit:

EXAMINER'S ANSWER

This is in response to the appeal brief filed on May 13, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

Art Unit:

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-3, 12-13 and 19-20 stand or fall together as a first group and claims 4-11, 14-18 and 21-25 stand or fall together as a second group because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,205,418	Li e al.	03-2001
6,024,571	Renegar	02-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit:

Claims 1-3, 12-13 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. Claims 4-11, 14-18 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. in view of Renegar. This rejection is set forth in prior Office Action, Paper No. 11.

(11) Response to Argument

The Examiner will address the issues raised by the appellant in the order in which they appear in the Appeal Brief.

In order for one of ordinary skill in the art to capture the essence of the invention as broadly and vaguely claimed, a great deal of explanation should be provided to the ordinary skilled artisan, as the appellant has attempted to do in the present Appeal Brief, for it is clear that the claims are NOT SELF SUFFICIENT. The Examiner kindly point out that Claims 1-3, 12-13 and 19-20 are anticipated by Li et al. and in compliance with the requirement of 35 U.S.C. 102 and Claims 4-11, 14-18 and 21-25 are rendered unpatentable in light of the teachings of Li et al. in view of Renegar and in compliance with the requirement of 35 U.S.C. 103.

The Appellant contends that “the term string as used in present invention, is a series of characters manipulated as a group”. In response to the preceding argument, the Examiner kindly point that the features upon which applicant relies (i.e., series of characters manipulated as a group) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit:

The Appellant seems to give the term "string" different meanings. Although on page 5 of the Appeal Brief, the Appellant stated that "the term string as used in present invention, is a series of characters manipulated as a group". on page 6, however, of the same Appeal Brief the Appellant stated that "a string is a data structure composed of a sequence in characters usually representing human readable text". It is therefore confusing as to what meaning the term string should be given in the claims.

The Appellant argues that "a table such as that set forth within Li, et al., at column 8, lines 42 et seq., cannot be said to show or suggest a text string data structure". The Examiner disagrees with the preceding argument because Li et al. specifically stated that "The transform database contains three fields and is used for storing a unique translation code and a corresponding translation string. The translation strings include the selected segment of the preprogrammed languages as well as any of the translations entered for the custom languages" (See Li et al. Col. 8, lines 29-50) . This language is therefore read in the broadly claimed language text string data structure comprising mufti-field data object. a first field within the mufti-field data object and a second field within the mufti-field data object since a string is basically a data structure composed of a sequence of characters. The Applicant also admits that a text string data structure is a specific term of art within the computer area. Therefore a text string data structure as broadly claimed cannot reasonably be patentable.

The Applicant also argues that "nothing within Renegar shows or suggests in any way a text string data structure which is embedded within a computer usable medium as set forth within the present claims and no combination of Renegar with Li et al.. can be said to shoe or suggest this novel data structure". The

Art Unit:

Examiner disagrees with the preceding argument because in the last Office Action, Renegar was not used to show text "string data structure". Li et al. was used for that purpose. Renegar was only used to compensate for the claimed feature "a foreign language communication system including a second human language which sound-map to characters within a first character string" (See Renegar Col. 19, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the multiple language capability computer-based applications of Li et al. wherein the translation database (See Li et al. Col. 8, lines 34-35) would have incorporated the pronunciation teachings of Renegar. The motivation being to provide a cohesive integrated translation system that enables users with or without prior training to immediately begin communicating in foreign language (See Renegar col. 2, line 66-col. 3. line 3).

Further, the Applicant argues that "Li et al. and Renegar are completely silent with respect to any suggestion of the prefixing of a third character string by at least one character with a low sort value". The Applicant should duly note that Renegar was used to show "a third field within the multi-field data object containing a third character string representing the word" as a transliteration (See Renegar col. 19, lines 1-10). As to the "prefixing of a third character string by at least one character with a low sort value" Li et al. has shown in (Col. 8 Table 2) a third character string as a translation string "&-Aide" which is prefixed by one character "&" since the character "&" is put before the translation string Aide.

In response to applicant's argument that Applicant's invention concerned a data structure for storing, using and managing data in a computer memory, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in

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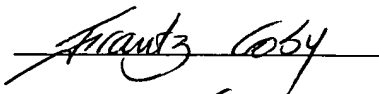
a manipulative difference as compared to the prior art. See In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

The Examiner would like to direct to the Honorable Board of Appeal's attention to the fact that the Appellant misinterpreted the teachings detailed of Li et al and Renegar. It is therefore clear that the cited references disclose a text string data structure as broadly claimed.

For the reasons above, it is believed that the rejections should be sustained.

Respectfully submitted,


Frantz Coby ✓

Primary Examiner

Art Unit 2171

Conferree

Jean M. Corrielus & Hosain T. Alam ✓ ✓

August 24, 2002